

Exhibit 3

From: [Kessler, Thomas](#)
To: [Ron Krock](#); [Francis, Aaron](#); [Bramhall, Alexis](#); [Schweitzer, Lisa M.](#); [MacKinnon, Ari](#); [Team-BNPP-Madoff-Associates-CGSHOnly](#)
Cc: [David Elsberg](#); [Maria Ginzburg](#); [Jordan Goldstein](#); [Joshua Margolin](#); [David Flugman](#); [Amy Nemetz](#); [Meredith Nelson](#); [Julie Singer](#); [Samuel Kwak](#); [Dominic Budetti](#); [Tony Russo](#); [Max Siegel](#); [Marek Krzyzowski \(mkrzyzowski@brownrudnick.com\)](#); [David Molton \(dmolton@brownrudnick.com\)](#); [kdorso@brownrudnick.com](#)
Subject: RE: Fairfield // Substantial Completion
Date: Monday, June 6, 2022 9:12:19 PM

Ron,

We write to follow up on your May 25 email (and Meredith's email on June 2) after reviewing the key points with our clients.

First, we would like to confirm and, where needed, clarify some of the points on which we have reached agreement.

Timeline. We confirm that, as previously discussed and as reproduced in your email below, other than in responding to RFPs 3 and 8, for which the start date shall be the first known subscription date listed herein, for Requests for Production seeking documents related to subscriptions the BNPP defendants are producing responsive documents and communications from six months prior to the first known subscription date for each BNPP defendant until December 31, 2008. We further clarify that, as stated in our April 7 letter, for Requests for Production related to redemptions, such as Requests 2, 14 and 15, we have agreed to a timeframe of six months before and after the dates of each *redemption* (as identified in the Operative Complaints), ending no later than December 31, 2008.

- **Scope & Representative Categories.** We are in agreement as to the scope of BNPP's search for and production of documents and communications, but want to make one clarification regarding the representative categories you have described. As previously explained, and as described in our responses and objections, the BNPP defendants are not searching for documents concerning "any other feeder fund" (i.e., those other than Fairfield Sentry, Sigma or Lambda). Please refer to our November 4, 2021 Responses and Objections to the Plaintiffs' First Request for Production of Documents, in particular our objections to Requests 11 and 12.
- **Sources.** We confirm that the BNPP defendants are conducting a reasonable search for responsive materials regardless of whether located in centralized files, hardcopy files, or custodial emails.
- **Search Terms.** We confirm the BNPP Defendants are searching for documents and communications that hit on the search terms we previously identified, as reproduced in your email below.

Second, to the extent not otherwise addressed by our third point below, we next respond to certain of the unresolved matters you have raised.

- **Interrogatories.** As you know, we indicated in our May 18 email that we would provide interrogatory responses to Interrogatories 1, 11 and 12, which we did on Tuesday, May 31. We also have received your further request for a supplement with respect to interrogatories 2, 7 and 10. We expect to provide supplements to those interrogatories by Friday, June 10.
- **Additional Search Terms.** Since our June 1 email, we have confirmed that, in addition to

BNPP Arbitrage and BNPP Cayman, we can also agree to include the associated correspondent account numbers as search terms for the purposes of identifying a review set for BNPP Securities Services Luxembourg. BNPP Fortis is unable to verify the account number 8033248106 as one it used. If you have records providing further information on that account number and why you believe it relates to Fortis, we would welcome your sharing them.

Third, we address your questions regarding our custodian lists. Although the supplemental interrogatory responses we served on May 31 provide the Liquidators with insight into current and former BNP Paribas employees who may have relevant knowledge regarding the Fairfield Funds and the subscriptions and redemptions at issue, the process of developing a final custodian list is still ongoing. Based on our current analysis and without prejudice to revisions as may be warranted, we expect the following subset of employees initially identified on the respective Exhibits A to serve as custodians:

BNPP Defendant	Pseudonymized Employee #s
BNPP Arbitrage	Employees #1, #2, #3, #4, #5
BNPP Bank & Trust Cayman	Employees #1, #2, #3, #4, #5, #6, #7, #9
BNPP Securities Services Luxembourg	Employees #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30
BNPP Fortis	Employees #1, #4, #5, #9

In respect of BNPP Arbitrage, BNPP Bank & Trust Cayman and BNPP Securities Services Luxembourg, we have also identified certain group email addresses, which are being included within the scope of our review. Although we are continuing to search for sources of additional data and have not yet reached the end of that process, we currently have not yet identified any available custodial data from the relevant time period in respect of BGL BNPP, BNPP España, BNPP Securities Nominees or BNPP (Suisse) SA.

As we have been throughout these proceedings, we are happy to schedule a time to discuss further.

Regards,
Tom

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From: Ron Krock <rkrock@selendygay.com>

Sent: Wednesday, May 25, 2022 9:52 AM

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Subject: FW: Fairfield // Substantial Completion

Counsel:

As indicated, the Liquidators are reaching out to you to finalize negotiations over the scope of materials that the BNP defendants will produce in jurisdictional discovery. Although we are hopeful that the parties can resolve any outstanding disputes over jurisdictional discovery without involving the Bankruptcy Court, the Liquidators reserve their rights to move to compel if resolution cannot be reached.

At the outset, we are in receipt of the BNP defendants' request for an extension of the 6/30 substantial completion deadline for producing documents responsive to the Liquidators' initial set of discovery. The Liquidators agree to adjourn that deadline until 7/15 as to your clients alone provided that you commit to continue producing documents on a rolling basis.

Turning to the parties' substantive negotiations, we wish to confirm that the parties have reached agreement on the following points:

- **Timeline.** Other than in responding to RFPs 3 and 8, for which the start date shall be the first known subscription date listed herein, the BNP defendants are producing responsive documents and communications from six months prior to the first known subscription date until 12/31/2008 for each of the following:
 1. BNP Paribas Arbitrage SNC (No. 10-ap-04098): 7/31/2006
 2. BNP Paribas Fortis (No. 11-ap-01617): 12/28/2004
 3. BNP Paribas Securities Nominees Ltd. (No. 11-ap-01579): 4/4/2005
 4. BNP Paribas Securities Services Luxembourg (No. 10-ap-03627): 1/28/2004
 5. BGL BNP Paribas (No. 10-ap-03626): 5/2/2005
 6. BNP Paribas España (No. 12-ap-01551): 1/14/2000
 7. BNP Paribas Private Bank & Trust Cayman Ltd. (No. 10-ap-04099): 3/31/2006
 8. BNP Paribas (Suisse) SA (Nos. 10-ap-03635, 10-ap-03636): 11/22/2002
- **Scope & Representative Categories.** The BNP defendants are searching for and producing relevant documents and communications with Madoff, BLMIS, FGG, Citco, or within and among the BNP defendants including for, among other categories:

Private Placement Memoranda, pitchbooks, and other solicitation or marketing materials;

- Brokerage and custody agreements;
- Subscription and redemption requests;
- Subscription agreements;
- Trade confirmations;
- Transmittal and other communications regarding investment in the Fairfield Funds;
- Policies, guidelines, and other documents concerning investment approval for the Fairfield Funds, BLMIS, or any other feeder fund; and
- Due diligence for the Fairfield Funds, BLMIS, or any other feeder fund.
- **Sources.** The BNP defendants are conducting a reasonable search for responsive materials regardless of whether located in centralized files, hardcopy files, or custodial emails.
- **Document Custodians & Search Terms.** The BNP defendants will provide the Liquidators with a pseudonymized list of proposed custodians by 5/31. We further understand that the BNP defendants are searching for documents and communications that hit on the following terms:
 - Fairfield
 - Sentry
 - Sigma
 - Lambda
 - Madoff
 - BMIS
 - BLMIS

Furthermore, we understand that the BNP record holder defendants will provide verified interrogatory responses to Interrogatories 1-2, 7, and 10-12 by 5/31.

However, we understand that three items are still unresolved.

First, as per your 5/4 response to our 4/21 letter request (at Part B), the BNP defendants are still considering whether to also search for documents and communications that hit on the following additional search terms:

- BGL BNP Paribas
 - 36122034
 - 60554400169
 - 605544-001-69
- BNP Paribas Securities Services Luxembourg
 - 10335000188
 - 10336600106
- BNP Paribas Arbitrage
 - 020010133300231
 - 20010133300231
 - LU463280360185P00840
- BNP Paribas Private Bank & Trust Cayman Ltd.
 - 20060608900104*
 - 00200608278 001 01

20060827800101

- BNP Paribas Securities Nominees Ltd.
 - 8033093455
- BNP Paribas Fortis
 - 8033248106
- BNP Paribas España
 - ES7601670984180008093201

Second, as per your same 5/4 response to our 4/21 letter request (at Part F.1), we understand that BNP Paribas (Suisse) SA is still considering:

- Whether it will produce categories of documents beyond brokerage and custody documents, subscription and redemption documents, and Citco trade confirmations; and
- Whether to search for the following Citco Client ID numbers:
 - BNP Paribas (Suisse) SA
 - 190031
 - BNP Paribas Suisse SA Private
 - 190076
 - BNP Paribas (Suisse) SA Ex Fortis
 - 190749

Third, we understand that BGL BNP Paribas is still refusing to produce documents for the period beginning 12/1/2000, notwithstanding that the Liquidators have identified transactions involving that entity as early as 5/1/2001 (*see* 4/21/2022 Ltr. at Part E.2.a), and will only agree to search for and produce documents as described *supra*.

Please let us know if you have reached a conclusion with respect to points one and two, and whether you have reconsidered your position with respect to point three. If you refuse to produce for any of these three points, please explain the grounds on which you are refusing to produce.

We look forward to resolving the parties' negotiations promptly and in all events no later than this Friday, May 27. We are available to meet and confer this week at your convenience.

Best,
Ron

From: Ron Krock

Sent: Friday, May 20, 2022 7:30 PM

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Subject: RE: Fairfield // Substantial Completion

Counsel:

Earlier today the Bankruptcy Court began entering a 6/30 deadline for substantial completion of jurisdictional discovery in the Fairfield redeemer actions. Having diligently engaged in meet-and-confer with defendants since January 2022—and having made substantial progress with many defendants—the Liquidators are now at the point where they intend to bring to a close all negotiations with all defendants concerning the scope of documents that each defendant will produce in response to the Liquidators' document requests relating to personal jurisdiction. We urge defendants to work productively with the Liquidators next week regarding open issues to memorialize agreements on scope. To the extent the Liquidators and any defendants fail to reach agreement on any issues on or before May 27, the Liquidators reserve their rights to promptly move to compel.

Best,
Ron

From: Ron Krock

Sent: Friday, May 13, 2022 4:49 PM

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Subject: RE: Fairfield // Substantial Completion

Counsel:

Thank you for your responses to our May 6, 2022 email. The Liquidators asked defendants to commit to a substantial completion deadline of May 31, 2022 for production of documents responsive to the Liquidators' initial jurisdictional discovery requests. Many defendants have informed us they can commit to June 30, 2022. In the interest of reaching an agreement, the Liquidators are prepared to accept June 30 as the substantial completion deadline.

Attached is a notice of presentment and proposed order establishing that deadline. Please let us know by **6pm Eastern on Wednesday, May 18** if we have your consent and authorization to add your e-signature. If by that time any defendants fail to provide consent and authorization, we will move the Court for an order setting June 30 as the substantial completion deadline.

Best,
Ron

From: Ron Krock

Sent: Wednesday, May 11, 2022 4:30 PM

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Subject: RE: Fairfield // Substantial Completion

Counsel:

As a reminder to those who have not yet responded, please let us know by end of business today whether you will commit to a May 31 substantial completion deadline or otherwise provide us with a detailed explanation for why you believe you cannot meet that deadline and what alternative deadline you propose.

We look forward to your responses.

Best regards,
Ron

From: Ron Krock

Sent: Friday, May 6, 2022 12:07 PM

To: a.frischknecht@chaffetzlindsey.com; acovucci@omm.com; adam.lavine@kobrekim.com; agordon@paulweiss.com; akherring@wlrk.com; amackinnon@cgsh.com; andrew.ditchfield@davispolk.com; andrew.gehring@davispolk.com; Andrew.Grant@chaffetzlindsey.com; andrew.troop@pillsburylaw.com; anthony.paccione@katten.com; armin@harnik.com; avickery@bsfillp.com; bacohen@mayerbrown.com; benjamin.loveland@wilmerhale.com; blin@abv.com; blupo@cgsh.com; bresnikoff@mayerbrown.com; callegaert@abv.com; cboccuzzi@cgsh.com; choupt@mayerbrown.com; christian@harnik.com; christopher.harris@lw.com; cjordan@cgsh.com; Corey.Calabrese@lw.com; Dennis.Mai@lw.com; dnegless@paulweiss.com; donna.xu@kobrekim.com; dshamah@omm.com; e.valentine@chaffetzlindsey.com; eakleinhause@wlrk.com; ehalper@mckoolsmith.com; elliott.moskowitz@davispolk.com; eric.fishman@pillsburylaw.com; Ernie.Gao@CliffordChance.com; LaTise.Tangherlini@CliffordChance.com; evicens@cgsh.com; farrington.yates@kobrekim.com; Finna@sullcrom.com; fstrong@wmd-law.com; george.shuster@wilmerhale.com; ggherrmann@gibsondunn.com; glauffer@paulweiss.com; gregory.hauser@wg-law.com; hlaumberg@winston.com; Jared.Stein@hsf.com; jascha.preuss@wg-law.com; jcraig@abv.com; jdcolivecchio@cgsh.com; Jeff.Butler@CliffordChance.com; jeffrey.resetarits@shearman.com; jhurwitz@paulweiss.com; JInglese@gibsondunn.com; ikay@cgsh.com; Jonathan.cross@hsf.com; justin.lee@wg-law.com; jzulack@abv.com; kblack@cgsh.com; KDashwood@abv.com; keith.dore@davispolk.com; kharan@omm.com; kkelly@mayerbrown.com; laskod@sullcrom.com; lauren.lifland@wilmerhale.com; lpincus@abv.com; lschweitzer@cgsh.com; makarm@sullcrom.com; mark.ciani@katten.com; mclambert@lawpost-nyc.com; mcohen@mayerbrown.com; mdillan@wmd-law.com; Meredith.George@CliffordChance.com; mhanchet@mayerbrown.com; michael.senzer@wg-law.com; mking@gibsondunn.com; nasher@omm.com; Nathan.Richardson@kobrekim.com; nbamberger@cgsh.com; Parul.Bhatia@Shearman.com; pbibi@cgsh.com; pmiller@omm.com; rahman.connelly@pillsburylaw.com; randall.martin@shearman.com; richard@cirillo-law.com; rpolan@cgsh.com; rrubin@cgsh.com; Scott.Balber@hsf.com; Scottj@sullcrom.com; stephen@harnik.com; swolowitz@mayerbrown.com; Thomas.Davis@wilmerhale.com; thomas.giblin@lw.com; tkessler@cgsh.com; wmaher@wmd-law.com; wsushon@omm.com; zachary.beal@katten.com

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Subject: Fairfield // Substantial Completion

Counsel:

We ask that defendants commit to complete by Tuesday, May 31 all productions responsive to the initial discovery requests the Liquidators served nearly 8 months ago. As you know from our April 21, 2022 letter to Judge Morris, the Liquidators intend to seek an extension of the case schedule to account for delays in receiving the jurisdictional discovery needed to oppose Defendants' pending motions to dismiss. The Liquidators cannot propose dates for an extension without knowing when we will receive the remainder of discovery responsive to our outstanding requests.

Please let us know by next Wednesday, May 11 whether you will commit to that deadline. If you cannot commit to that deadline, please provide us with a detailed written explanation by May 11 for why you believe you cannot meet that deadline and what alternative deadline you propose.

Best regards,
Ron

Ronald J. Krock

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: he, him, his

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